

REMARKS

Applicants thank the Examiner for the personal interview of July 23, 2008, during which proposed claim changes were discussed, and for agreeing to rejoin the larger sequences of SEQ ID NO: 2 and 3 should claim 1 be allowed.

After entry of this amendment, claims 1-16 and 18-28 are pending, of which claims 6 and 9 are withdrawn. The claims have been amended without prejudice or disclaimer and find support *inter alia* in the original claims. The amendments to claims 1, 2, and 7 find further support in the specification at page 11, lines 34-44. Support for the new claims is found *inter alia* in the original claims. New claims 21-26 find further support, for example, in the specification at page 10 line 33 through page 11 line 44, at page 13 line 37 through page 14 line 19, and at page 17, lines 1-11, 26-47. New claim 27 finds support in original claims 7-9 and in the specification at page 9, lines 15-46. New claim 28 finds support in original claims 12-16 and in the specification at page 42 line 25 through page 45 line 27, and in Example 3. No new matter has been added.

Applicants enclose herewith a Request for Continued Examination requesting entry of the claim amendments, examination of the new claims, and rejoinder of SEQ ID NO: 2 and 3. The present amendments and following remarks address the rejections in the Final Office Action dated June 9, 2008.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 2 was rejected as indefinite for ending with the word “or.” The part of the claim following the “or” was inadvertently omitted in the last response. The claim has been amended accordingly. In light of the amendment, the rejection is believed to be rendered moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 3-5, 7-8, 10-16, and 18-20 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Applicants respectfully traverse.

The Examiner alleges a lack of enablement arguing a lack of guidance based on the specification allegedly not describing a single embodiment of a fragment that has the claimed activity. Applicants strongly disagree. SEQ ID NO: 3 comprises both SEQ ID NO: 1 and 2 and SEQ ID NO: 2 comprises SEQ ID NO: 1. Thus, SEQ ID NO: 1 is a fragment of SEQ ID NO: 2 and of SEQ ID NO: 3, and SEQ ID NO: 2 is a fragment of SEQ ID NO: 3 (see specification at page 7, lines 9-28, and at page 46, lines 34-44). Further, SEQ ID NO: 1 has the claimed activity as acknowledged by the Examiner (Office Action mailed June 9, 2008, at page 2). Further, SEQ ID NOs: 1-3 are fragments of the promoter region of the gene encoding the *Vicia faba* plastidic 1,4- α -D-glucan:phosphate α -D-glucosyltransferase. Because the specification does describe fragments with the claimed activity and because deletion analysis is routine in the art, it is respectfully submitted that no undue experimentation would be required to practice the invention as now claimed. Reconsideration of the rejection is respectfully requested.

During the interview of July 23, 2008, claim language which might be found allowable was discussed. Accordingly, the claims have been amended without prejudice or disclaimer by adopting the claim amendment suggestions discussed at the interview. Applicants believe that the amendments place the application in condition for allowance as discussed. In light of the amendments, reconsideration and withdrawal of the rejection is respectfully requested.

Furthermore, SEQ ID NO: 2 and 3 comprise SEQ ID NO: 1 as described in the specification at page 7, lines 9-28, at page 46, lines 34-44, and the Sequence Listing. Thus, because SEQ ID NO: 2 and 3 are sequences that include SEQ ID NO: 1 and SEQ ID NO: 1 has already been searched and examined, the rejoinder of SEQ ID NO: 2 and 3 is respectfully requested, as discussed in the interview (see Interview Summary mailed August 12, 2008).

CONCLUSION

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Accompanying this response is a Request for Continued Examination and a petition for a one-month extension of time to and including October 9, 2008 with the required fee authorization including authorization for the additional claims.

No further fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13173-00008-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street, P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicants

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